

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.9406 of 1996

Dated 21.3.2006

Between:

1. A.Mallesh and others. Petitioners.

And

M.R.O., Golkonda Mandal, Hyderabad

And others. ... Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.9406 of 1996

ORDER:

Petitioners claim to be the protected tenants in respect of land in survey Nos.87 and 88 of Hakimpet village, Golkonda mandal, Hyderabad admeasuring Ac.2.30 guntas. The land is within the urban agglomeration of Hyderabad. The petitioners state that the pattedar of the land included the said two survey numbers in his declaration filed under Section 6 of the Urban Land (Ceiling and Regulation) Act 1976 and offered to surrender the same towards his excess land.

On coming to know that, an order under Section 8(4) of the Act was passed on 5.1.1979 and subsequent proceedings have also been taken Place, petitioners filed Appeal No.251 of 1995 before the Commissioner, Urban Land Ceilings, respondent No.4 herein, against the order passed by the Special Officer and competent authority. The fourth respondent is said to have granted order of stay on 16.11.1995. This writ petition is filed alleging that even while an order of stay granted by the fourth respondent is in force, the respondents 1 and 2 are taking steps to dispossess the petitioners.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignments.

The limited grievance of the petitioners is that the respondents 1 and 2 are taking steps in violation of the orders of stay granted by the fourth respondent in appeal preferred under Section 33 of the Act. Such a course, if pursued, cannot be countenanced in law. While admitting this writ petition, this Court granted an order of interim stay on 5.6.1996. The respondents have not filed any counter affidavit so far.

Even, the learned counsel for the petitioners is unable to state as to what exactly is the stage of the appeal.

For the foregoing reasons, the writ petition is disposed of directing that in case the appeal No.251 of 1995 is still pending, the respondents 1 and 2 shall not interfere with the possession of the petitioners over the land in question, till the disposal of the same. On the other hand, if the appeal has already been disposed of, the parties shall abide by the outcome thereof.

21.3.2006.

mdaa.